

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 1-3, 7-22, 24-26, and 28-33 have been amended to more clearly define the subject matter thereof. Claims 1-33 are pending for further examination.

Responsive to Examiner's comment that the certified copies of the Japanese Applications submitted on 7/8/2004 could not be scanned, Applicant has herewith submitted new certified copies. Applicant has also amended the specification to claim priority from the appropriate Japanese Applications.

Applicant has resubmitted copies of the documents cited in the IDS of May 24, 2007. The three page document in Japanese (2004-096954) is a copy of the Japanese Office Action in the parent case.

A corrected version of FIG. 17 has been included herewith, and Applicant requests that Examiner withdraw the objection to the drawings.

The informalities objected to in the claims have been rectified and Applicant requests withdrawal of the claim objections.

Claims 1-2, 14-16, 22, 26, and 30-33 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant has corrected these claims in accordance with the comments set forth in the Office Action. Applicant therefore requests withdrawal of this rejection.

Claims 1-7, 9, 13-14, 19-32, 26-27, and 30-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Darling (WO 93/23125) in view of Kim (U.S. 2002/0160838). Applicant submits that the applied references do not teach or suggest all elements of the claimed combination.

For example, claim 1 recites, *inter alia*, “said game data exchange programmed logic circuitry of said first game apparatus and said game data exchange programmed logic circuitry of said second game apparatus determine, by communicating at least one attribute relating to the providing game data and the exchange condition data by use of said communicator, whether or not the providing game data of said first game apparatus satisfies the exchange condition of said second game apparatus, and whether or not the providing game data of said second game apparatus satisfies the exchange condition of said first game apparatus, and exchange, in a case both of the exchange conditions are satisfied, the providing game data of said first game apparatus for the providing game data of said second game apparatus by communicating between said first game apparatus and said second game apparatus by use of said communicator.” Independent claims 2, 22, 26, 30, 31, 32 and 33 all recite similar language, with each claim reciting that the determination as to whether the exchange conditions are met being made by at least one of the game apparatus.

The Office Action concedes that Darling is silent as to such a teaching, and introduces Kim to compensate for this deficiency of Darling. Kim, however, does not teach or suggest this claim element. According to Kim, a module on a server queries a

database to find other players who have an item designated by a first player. ([0069]).

The member and content databases are all stored on the server. ([0033]). Then, a responding player can make a trade condition. ([0072]). There is no teaching or suggestion, however, that a determination as to if the conditions are met is made by anything other than the trading support module on the server, said module accessing the database to make determinations about whether the items proposed for trade are possessed by the players. Without the database, this module would not function as taught. Thus, Kim requires a centralized source of information, including a database, for the purpose of making a trade determination.

Even if the teachings of Kim were combined with Darling and the actual item data was stored on the individual machines as taught by Darling, a central database of the items and server running this database would need to exist to implement the teachings of Kim. Applicant has claimed no such database. Rather, Applicant has claimed that the decisions about the trade are made by one or more of the game apparatuses and based on information exchanged between two game apparatuses, not made by a centralized device based on information stored on that device.

Thus, the combination of Kim and Darling does not teach or suggest at least the claim language cited above. For at least this reason, Applicant submits that claims 1, 2, 22, 26 and 30-33 are allowable over the prior art of record. Claims 3, 7-21, 24-25 and 28-29 should be allowable based at least on their dependency from allowable independent claims.

Claims 8, 10-12, 15 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Darling/Kim in view of Yoshizawa (U.S. Pat. 6,045,447). Yoshizawa, however, does not cure the noted deficiencies of the Darling/Kim combination. Claims 8, 10-12, 15 and 18 should be allowable based at least on their dependency from allowable independent claims.

Claims 24-25 and 28-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Darling/Kim in view of Haartsen (U.S. Pat. 6,804,542). Haartsen , however, does not cure the noted deficiencies of the Darling/Kim combination. Claims 24-25 and 28-29 should be allowable based at least on their dependency from allowable independent claims.

For at least the foregoing reasons, Applicant respectfully submits that the invention defined by the amended claims herein is not taught or suggested by the prior art of record. Thus, withdrawal of the rejections and allowance of this application are earnestly solicited.

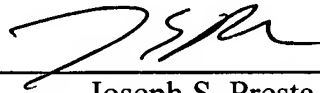
TANAKA et al
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Should the Examiner have any questions, please do not hesitate to call the undersigned attorney at the phone number below.

Respectfully submitted,

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